

APPROVED

**CONSERVATION COMMISSION MEETING
October 5, 2015 @ 6:30 PM - City Hall Auditorium
62 Friend Street, Amesbury, MA
Meeting called to order at 6:35 PM**

Present: Alan Corey, Steve Langlois, Suzanne Egan.

Absent: Kinsey Boehl.

Also Present: John Lopez, Agent; Paul Bibaud, Recording Secretary

MINUTES: Sept. 21, 2015: Motion by Suzanne Egan to approve the minutes as presented. Motion was seconded by Alan Corey. AIF.

ADMINISTRATIVE:

REVIEW AND APPROVE 2016 MEETING SCHEDULE

MOTION WAS MADE BY Suzanne Egan to approve the schedule for 2016. Motion was seconded by Alan Corey. AIF.

STANTEC- Proposal for Notice of Intent – Marina at Hatter’s Point, 60 Merrimac St., Amesbury, MA

John Lopez: Stantec was chosen as the ConCom peer reviewer for the proposed construction of a marina building which will replace an existing trailer. The ConCom has before it the contract dated Oct. 1, 2015. We request that ConCom ratify the contract.

Motion was made by Suzanne Egan to ratify the contract with Stantec. Motion was seconded by Alan Corey. AIF.

**MILL RIVER CONSULTING: Invoice #3923 for \$1,450.00 (Review NOI, etc.)
23 Clinton Street, Amesbury, MA**

Motion to approve the paying of this invoice was made by Suzanne Egan. Motion was seconded by Alan Corey. AIF.

Proposed BARK FOR LIFE FOOT RACE at Battis Farm - (Fawcett)

John Lopez: This is a proposed event for American Cancer Society as a fund raiser. ConCom has jurisdiction over Battis Farm as conservation land. The commission is in receipt of a description of the proposed activity, and the applicant is here to brief ConCom.

Michael Fawcett, 27 Clinton Street. Before you tonight is an outline for a small 2- 2 1/2 hour event that we plan to do to kick off the 2016 American Cancer Society Relay For Life Season. Our premiere event is going to take place in June, but this event is designed to help us engage more of the community that usually doesn’t show up to our event because their dogs can’t come with them. Not a foot race, basically a walk. It’ll be over a small area that we plan to go around. The plan is to show up. Nov. 15 is the new proposed date. We’ll go in, set up a small 10 X 10 tent, talk about Relay for Life in June, what it stands for and means, do a couple laps with the dogs, maybe a life skills demo by a local vendor, and other animal vendors from town available for questions and

opportunities to purchase new items. Then we'll close with another lap and be done and out of the way. We'll obey all leash laws.

Motion was made by Alan Corey to approve this proposal. Motion was seconded by Suzanne Egan. AIF.

Enforcement Order / Cease and Desist - 81 Pleasant Valley Road - (DeGloria)

John Lopez: This is in support of an enforcement order which was amended to allow the applicant or property owner sufficient time to draft a restoration plan and to retain the services of an environmental consultant. The applicant has met all requirements of the amended order, and the consultant is here tonight to review the restoration plan.

Barbara Guard, Wetlands Consultant: I've been retained by the DeGloria's as wetland consultant. There are two changes that I'd like to make on my letter. One is the spelling of the DeGloria's name. Also the wetland protection ordinance of Amesbury should be changed. Delete bylaw, insert ordinance. I was hired to look at the site to see what the enforcement order was all about. I did that last Sunday, and discussed it with the DeGloria's, coming up with a planting plan to restore the damaged vegetation at a rate of 2:1 to meet the mitigation standards of the wetlands protection act and local ordinance. What happened at the site was impact to land subject to flooding, riverfront area, endangered species habitat and buffer zone, all of which are addressed in that. There was very little damage actually to the soil. The cutting of trees happened on the steep bank and on top of the bank. The trees were cut approx. 2 feet from the ground, so they were not grubbed out or removed. They are already re-growing. Other vegetation was left in tact. There is debris piled near the metal highway barrier, and that debris is the cut vegetation as well as old downed trees and rotted trees from storm events. My proposal is to try to mitigate some of the cutting by over-planting the area. You can see not only the written description of the plants, but also the drawing that I do. The slope of the bank is so steep I do not plan to replant there. In my opinion, any planting on the slope would fail. We'll be replanting over the top edge. I have a local landscape contractor ready to do the planting, GreenWorks. I have a nursery waiting for our order. So it is possible we'll get this done this fall. The cutting happened to fairly small sapling sized trees. There were some ash and honey locust. There were two oaks cut, so I'm planting back three oaks to replace the two, along with some shrubs. There is a very large oak in tact and actually holding up the bank. The enforcement order came from this commission as well as from DEP, and that addresses the fact that it is an endangered species habitat in the E.O. and I'm addressing it as mitigation. In that I don't think any damage was done to the endangered species habitat.

John Lopez: The property owner has mentioned out of frustration the "why him?" phrase and not everybody else? The simple answer is because he's the one who had people complain about it. But once you go to the site, you will notice that there are abutters who have pruned, to put it mildly, vegetation in a similar fashion, if not more severe than what the DeGlorias have done. My question to Ms. Guard is do you have any suggestions for the commission as to how ConCom should address this situation. Mr. DeGloria suggested that there should be some outreach for the ConCom to engage in. Well, to one extent, it'd be nice to send everyone along the river a one pager. I think that is cost prohibitive and I don't even know how effective they would be. Other

suggestions: maybe we can hold a work shop, inviting lakefront and riparian property owners to, somewhat of a primer as to what you can and cannot do with the wetlands permitting process. Any suggestions on how to address that?

Barbara Guard: I noticed the cutting on abutting properties. There is a tendency for people to want to have views over water. You can't help that. It should be addressed by law, what is the law. And it should be made known to people on the river and Lake Attitash. I think having meetings in the community instead of in city hall would be better, perhaps a coffee at someone's house, to chat about it and hand out a guideline and a simple one page with bullets, large print, of what you can and cannot do, to last an hour but not more.

John Lopez: The city concern is that if you lose vegetation, you run a high risk of losing the bank, and eventually Pleasant Valley Road. I believe there is a gas line under Pleasant Valley Road. Also further down, there is a severely eroding of the riparian bank, which abuts Merrimac. They've had to close down their street. There is ongoing talk about what to do. Maybe we have ten years to decide. Do we take property? Do we reroute Pleasant Valley Road? Some houses have pretty substantial front yards where 81 Pleasant Valley Road is located. It's more of a narrow area, so I don't know what could be done, but strategically, it is a particularly vulnerable spot. It's important to get that message across to people.

Barbara Guard: Another suggestion would be to have an overplanting plan for each property. Plant as much as possible up top, to stabilize the area and also put in more native vegetation. That Merrimac section on the river is very scary. It is too expensive to restore it. Engineering may not be able to be done. So it's important for Amesbury to address it as well, ahead of time.

John Lopez: The staff from DEP is attempting to assist the city with coming up with public funds to do some sort of construction similar to what was done in Haverhill along the river. It is a public property, but at risk is the public road, so DEP is doing all it can to help DPW's secure the proper funds. It is far beyond the financial capabilities of any home owner as well as beyond the capabilities of the city and maybe even the state. We are doing what we can.

Motion was made by Suzanne Egan to approve the drought plan and approve the modification or amendment to the enforcement order, approving the implementation of the plan and to lift the CEASE AND DESIST order. Allow planting by the end of November. Motion was seconded by Alan Corey. AIF.

Enforcement Order/Cease and Desist – 21 Rocky Hill Road - (Goodwin)

John Lopez: ConCom amended the Enforcement Order to allow for the property owner to install and maintain grass, which that portion of the jurisdictional area where it was excavated. I've not heard from the applicant. So I don't know how ConCom wants to proceed on this.

Steve Langlois: He needs to get in touch with us. We can't lift the Cease and Desist unless we know that grass is growing.

Suzanne Egan: Can't we record the Enforcement Order at the Registry of Deeds?

John Lopez: You can.

Suzanne Egan: That's what I suggest we do. We'll record the Enforcement Order at the Registry of Deeds so that it is an encumbrance on his property, so he has to get it resolved before he can do anything with his property.

Steve Langlois: You should give him a call, and explain how this works. When would you like to see it? By the next meeting, it's almost too late to plant. So he's been issued a planting plan, but there is no evidence that he's doing it?

John Lopez: He was, under the initial enforcement order, he was directed to install erosion control and plant grass as an interim measure, to limit exposed soils. He did that. But the enforcement order also required a planting plan, because he removed a considerable amount of vegetation, a lot of it was Japanese knotweed from the riparian bank. But it was all exposed. So the planting plan was intended to do what Ms. Guard had suggested...something more substantial that would be more appropriate, rather than extending the lawn onto a riparian bank. So the motion here is to record the enforcement order on the deed, to amend the E.O. to require a draft restoration plan be submitted by the next meeting on November 2nd and he should be here, with the restoration plan now for a spring planting. We need to protect the bank. But if he doesn't show up and explain by the next meeting, we will start fining him. I just don't think he understands the legal process. But he needs to bring us a planting plan at the next meeting.

Motion was made by Suzanne Egan to amend the enforcement order to require the property owner submit a draft order of a planting plan by the next meeting on November 2nd, that the enforcement order be recorded at the registry of deeds, and fines will be implemented at \$50 a day under the act, and \$50 a day under the ordinance. Motion was seconded by Alan Corey. AIF.

95 Haverhill Road – To approve the remaining funds held in escrow - (Shaheen)

John Lopez: Mr. Shaheen is present. This is for a bond that is being held in escrow for erosion control purposes. At the previous meeting, ConCom approved the request for a Certificate of Compliance, which was issued accordingly. That effectively closed out all legal proceedings on the project. We then received correspondence from Mr. Shaheen bringing this fund to our attention, requesting that it be released.

Mr. Shaheen: We got the certificate of compliance, and we're asking for the funds to be released. The CoC has been registered with the registry of deeds.

Motion was made by Alan Corey to release the funds. Motion was seconded by Suzanne Egan. AIF.

Powow River Tree Removal - (Aspeslagh)

John Lopez: The ConCom has been forwarded copies of e-mails and photographs that were taken and reported by a member of the Amesbury Trails organization, whose goal is to promote the use and sustainability of trails throughout the city. The Amesbury Trails representative is here and can brief you on his findings. The trees are not a jurisdictional resource and that they are not within 100 feet of a wetland or 200 feet from a perennial stream, however they are on conservation land, which ConCom has jurisdiction over. These trees were approved for removal by the town arborist. These trees were removed by (unconfirmed) the owner of the silt tower that is out there. They are rather unsightly,

being mature 100 foot white pines that were cut and left strewn around the trail. With that, I turn this over to the trails representative.

Ken Aspeslagh, Amesbury Trails Founder: I have the letter that the commission was sent. I'll summarize it: we're doing a guided hike on Sept. 26. We were hiking up the trail from Lake Gardner beach and, to our surprise, found an area of cut trees, very large white pines, 100 feet tall, some of them 30-40 inches in diameter, so they were 100 year old trees, all along either side of the trail. I counted about 10 stumps and this is conservation land. The city acquired the Powow Hill land as conservation land in 1985. It abuts the land owned by the antenna company in Salisbury. We measured out the distance to make sure this was definitely conservation land. It definitely is. The trees are cut 300-400 feet into the woods. The antenna land only extends about 200 feet from the road. All ten trees are fallen away from the trail, but they are there fallen into the woods. John asked me to recommend possible remediations for a responsible party, if we can determine one. The tree board has no jurisdiction for fallen trees on conservation land. In fact, their only jurisdiction is roadside trees. They don't even have control of park trees. So to say that this was approved by the tree board is total nonsense, even if this was private property or parkland, the tree board has nothing to do with whether you can cut down trees in the woods. Re: remediation, in my opinion, I don't think that planting replacement trees makes any sense. It's the forest. More trees will come on their own. Amesbury Trails main concern is to try to insure that this doesn't happen in the future in other places or Ten years from now when smaller trees grow to this height, that they don't come in and do it again. Additionally, as far as other remediations, a party could take steps to improve the general area of the park that antennas abut. There is a lot of tree planting that could be done in the park itself to improve the borders of the park, which are grown over right now with invasive bittersweet and wild rose. It makes most sense to plant replacement trees in the park, where they would have a chance to grow and not be under the canopy of the other trees. Additionally, something that would help keep this from happening again either here or in other city conservation land, would be to mark the boundaries of the land. There are no border markings at all. Our recommendation is that ConCom mark the conservation land boundaries using markers on trees at intervals. Many cities do this. Also, mark the actual trail heads where you access these trails as conservation status of the land. Amesbury Trails people would be happy to help with that. A final recommendation to be made is that the trees be removed from the woods. Right now, it looks like a horror show out there with 10 100 foot trees lying away from the trail.

Steve Langlois: I think this is going to be a serious fine. Those trees are huge. They had no business taking them down. This is one of the worst things I've seen since I've been on ConCom.

Suzanne Egan: My concern here is that we have some of the facts, but we don't have all of the facts. We don't really know who did this. Who knows if the mayor's office gave permission to do this. I think we should request that an investigation be made into this.

Alan Corey: I think we should plant trees along the park, we should put signs up, and we should fine the people that did this.

Ken Aspeslagh: We e-mailed DPW along with John that day, and we got a one sentence e-mail back from DPW saying "tree board gave permission" or something. That's what we are going on.

Suzanne Egan: I think leaving the trees there is probably beneficial to the habitat, but I would support the fines and the rest of the things, once we know more facts.

Steve Langlois: So by next meeting, hopefully we have a little more information and find out who we need to talk to. I say leave everything alone until we come up with a plan.

John Lopez: Maybe as this progresses, Amesbury Trails has expressed interest in helping us establish signs and boundary markers. We can provide our “do not cut” medallions. So I think we can work together on this.

CONTINUED BUSINESS:

NOTICE OF INTENT (002-1125) - 23 CLINTON STREET - (SCHUCK)

John Lopez: Update: This has been deferred to our consultant, Mill River, for an initial review and site visit took place. Recommendations were promulgated and remanded to the applicant for further proceedings. No revisions to the plan have been received as of yet. We anticipate them being submitted for the Nov. 2 meeting, at which time they will be deferred to our consultant for further review to insure that all changes have been made accordingly. This is a structure that is in receivership and we’re working with the attorney general’s office on this, to insure that this moves along in a timely fashion. The AG’s office is very happy with how this is progressing and they understand it is progressing through the wetlands permitting process. They have no issues with our timeframe. The applicant has been assured that there is no need to be alarmed by any perceived lack of progress. Hopefully we’ll have more at the Nov. 2 meeting.

Motion to continue was made by Suzanne Egan. Motion was seconded by Alan Corey. AIF.

NOTICE OF INTENT (002-1115) – 13 LAKE SHORE ROAD - (GREENFIELD)

John Lopez: This information was just received today. The applicant’s representative is here tonight. This was for some modifications to an existing structure, considerable landscaping, and the repair of a retaining wall. BSC Jillian Davies submitted her report to Mr. Roscoe of Cammett Engineering. Changes were made and forwarded to Jillian last week. She did her best to provide ConCom with a report as quickly as she could. Unfortunately, that was about 5 PM this evening. Mr. Roscoe is here.

Steve Langlois: Getting materials one hour before our meeting is not proper. We’re going to continue this to the next meeting. We can’t talk about things when we don’t have all the material. That’s what we’re going to do.

Mr. Roscoe, Cammett Engineering: This project had a lot of issues with snafus. We submitted this project back in March. There were some issues with the advertising, selecting a peer consultant, and through no fault of ConCom. But then the peer reviewer took an extended vacation, and now we’re in the throes of October. I understand information coming in late, but in a nutshell, your consultant is recommending endorsement of the plan, basically as presented with some very minor conditions. Through the wonders of technology, we had an interesting conference call this afternoon. We hashed out all the issues, the major. I’d at least like to allow my client to put in erosion control. There must be something we can do to allow the applicant to begin installing erosion controls, and perhaps consider having a special meeting?

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Suzanne Egan: We can't do that tonight. We're going to continue this to Nov. 2.

Motion was made by Suzanne Egan to continue this hearing to Nov. 2. Motion was seconded by Alan Corey. AIF.

NOTICE OF INTENT (002-1130) - 355 MAIN STREET - (WELCH)

John Lopez: This was continued from the previous hearing. This is for a project to demolish an existing garage and construction of a new garage. The outstanding issue was mitigation for the removal of a 24 inch maple tree and the expansion of a paved driveway. ConCom requested the applicant to revise the plans to offer some mitigation for the removal of the tree.

Alan Roscoe, Cammett Engineering, representing Gail Welch. As discussed last meeting, you discussed a planting plan for the area that was to be left vacant by the demolition, and also a 2:1 replacement for the tree to be cut down. So we submitted a plan at least a week ago, showing two trees to be planted in the buffer zone, and how the disturbed area below the garage would be replanted.

Steve Langlois: I was pretty good with this last time. Now that you've added mitigation, I'm fine.

Motion was made by Suzanne Egan to have a conditional approval with the agent getting responsibility to approve the planting plan, provided it is consistent with what is contained in the Amesbury regulations regarding plantings and using ConCom's list of approved plants. The date certain by which that list will be submitted will be 10-6-15. Motion is seconded by Alan Corey. AIF.

Motion to close the public hearing was made by Suzanne Egan and seconded by Alan Corey. AIF.

NOTICE OF INTENT (002-1120) – 128 KIMBALL ROAD - (SWIFT)

John Lopez: This went through a peer review with Wetlands Consulting Services, Mr. Bob Prokop, who is here tonight. ConCom requested that there be modifications to the plan consistent with Mr. Prokop's initial review. Mr. Prokop was then asked to provide a supplementary review to insure that all changes had been made accordingly. The applicant is here, along with Mr. Prokop who will provide a final briefing to ConCom.

Michael Seakamp, Seakamp Environmental Consulting: I'm here tonight representing Daniel Swift. At the last meeting, the remaining issues were the inclusion of the location of the existing septic system on the plan, as well as the locations of all the holes that would be used for access to install the sewer and the water. Those are on this plan and we submitted it. Your agent can verify that we complied with what your wishes were.

John Lopez: ConCom's attention is directed to the report from Wetlands Consulting Services dated October 2, 2015.

Bob Prokop, Wetlands Consulting Services: I received the revisions late on Wed. and provided a draft of some of my comments to Mr. Seakamp on Friday, which I finalized a bit on Sunday. I had a couple of comments: they provided a new narrative and a new construction sequence, which I had requested in the previous hearing. I thought the narrative and the construction sequence were a little weak, so I took the liberty of

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revising them myself and provided a revised narrative and a revised construction sequence, which you have and Mr. Seakamp reviewed. In terms of the plan, they did include most of the main items that I requested in the previous meeting, locating the various jacking pits to be used for directional boring, they included where the old septic system was, but the one thing is they didn't include where the wetlands are off of Kimball Road. I included some recommendations that might be included in the Order of Conditions.

Motion was made by Suzanne Egan to amend the applicant's submitted revised project narrative and replace it with Wetlands Consulting Services revised narrative, we're going to note that the wetlands as depicted along Kimball Road is inaccurate, and I'd also include the conditions that are listed in the wetlands consulting memo as a part of our Order of Conditions, incorporating this whole memo by reference and make everything in here that is suggested conditional onto this OoC that has to be complied with. So I motion to issue an OoC and incorporate by reference the wetlands consulting services memorandum, and those conditions will become a part of the Order, and also the proposed conditions plan that was submitted tonight at this hearing will also become a part of the order, along with the GIS plan of the area for 128 Kimball Road. Motion was seconded by Alan Corey. AIF.

Motion to close the public hearing by Suzanne Egan, seconded by Alan Corey. AIF.

REQUEST FOR DETERMINATION OF APPLICABILITY – 18 LAKE ATTITASH ROAD - (DESESA)

John Lopez: At the last meeting, the applicant failed to be present. ConCom directed me to contact her and inform her that if progress was not made by this meeting, the ConCom would either issue a positive determination requiring a NOI, or to ask the applicant to withdraw without prejudice. Since this is an RDA, you cannot deny. You either have to do a positive or negative determination. The applicant contacted me this afternoon, and she was unaware of the process, unaware that she had to show up and present a revised plan to ConCom. You'll recall at the first discussion, you requested that an additional arborist's opinion be secured. She is in the process of doing that. She has arrangements with another arborist, just hasn't done it yet. She anticipates having it ready for the November 2 meeting.

Motion was made by Alan Corey to continue this to the November 2nd hearing. Motion was seconded by Suzanne Egan. AIF.

NEW BUSINESS:

REQUEST FOR CERTIFICATE OF COMPLIANCE (002-0801) – 130 WHITEHALL ROAD - (PELLETIER)

John Lopez: This is a request for a CoC on the construction of a single family house with associated landscaping. This is a request for CoC that fell by the wayside, so it is relatively older project. A site visit was conducted in Dec.5, 2014. All the work was done

in compliance with the approved project. The applicant's representative is here to brief the ConCom.

Patrick Seakamp, Seakamp Environmental: This project was originally filed and issued an OoC in 2002. Those orders were subsequently extended, then we had the permit extension act that further extended the orders. I think in 2009, the orders expired, but at that point, all the work had been completed. All the amenities were already constructed, so this is kind of a housekeeping issue, to clean it up and request the CoC. I inspected the property early last year, and found that everything was in substantial compliance with the original OoC.

Motion was made by Alan Corey to approve the request for Certificate of Compliance for 002-0801, 126 -130 Whitehall Road. Motion was seconded by Suzanne Egan. AIF.

**REQUEST AMENDMENT TO ORDER OF CONDITIONS (002-1046)
WHITTIER BRIDGE/I-95 IMPROVEMENT PROJECT - (MDOT/KENNY)**

Jess Kenney, here for MADOT Whittier Bridge project: The design/build team, Walsh-McCourt, needs additional access into jurisdictional areas. We're here with an amendment.

Ed Baldwin, Senior Project Manager on this project, with Walsh Construction: The construction process is moving along well. We'll come to the point where we'll have to demolish the existing bridge and construct a new bridge. With the design/build project, what we focused on in the first half of the project was building the new northbound bridge and that is nearly completed. Now the design for the new southbound bridge is done. In the process of design, when they go through the structural elements of the design, they determined some towers would have to be relocated. The towers are used for both the demolition of the bridge (supporting the rail that the cranes run on) and also for the construction of the new bridge (they are temporary supports for the new construction). With the finalization of design, some of these towers have ended up in locations that are different from the locations that the base technical concept had planned for. New towers will be erected.

Steve Langlois: When you install these concrete pads, do they get removed? (yes). I guess these new locations, have you already put in the other locations and decided that you had to relocate? (Yes).

Kevin Slattery, Wetlands Scientist: The application before you is a request for an amended OoC. The work that has been described involves new work outside of areas that have been previously approved. There is no proposed work within a direct resource area of a bordering vegetated wetland or a salt marsh. These areas are all 100 foot buffer and riverfront area. We have a table that went to the commission describing the change in the numbers. We're talking all temporary impacts, additional 1080 to riverfront area, that's the same number for the 100 foot buffer to the bordering vegetated wetland. Also we're encroaching a little bit more on the land subject to coastal storm flowage by 1550 square feet. An additional 90 linear feet of coastal bank will be affected. The restoration plan is going to mimic 100% of what has been approved in a previous review by ConCom. There is a very comprehensive restoration plan, evaluated shading, water and a number of considerations and a number of plantings proposed. They've been analyzed on

shading effects and moisture content. So what we propose doing is mimicking that plan and extending it into these new areas...same models. No permanent impacts to anything, everything is temporary, taken out, restored and landscaped per the original.

Suzanne Egan: Is this also subject to state review, or is this commission the only submitting authority that has to look at this?

Kevin Slattery: State gets a copy of this, but there is no direct impact to resource, its all within buffer zone, so there is no modification of the water certificate or anything.

Alan Corey: There's no raising of the level of the flood way or anything like that?

Kevin Slattery: Nothing like that, no.

Motion was made by Alan Corey that we approve the request for the amended OoC for 002-1016, Whittier Bridge/I95 project. Motion was seconded by Suzanne Egan. AIF.

Motion to close this hearing. Motion was seconded by Suzanne Egan. AIF.

NOTICE OF INTENT (002-1132) – 5 MERRILL STREET -(LINDEN)

John Lopez: You'll also note that the following agenda item, letter of engagement for the NOI peer review. This was a proposal from Mill River. I took the liberty of being pro active. Mill River has been the consultant for a lot of the projects on Old Merrill Street. In fact, the Toth property across the salt marsh from that, so they are very familiar with the project. I feel they are well suited. ConCom does have a letter of engagement from Mill River, and if you feel so inclined, could approve that this evening, so that once we receive remittance, we can proceed immediately to move into the peer review process. So it depends on whether ConCom wants to address the letter of engagement first prior to, or to open up the NOI hearing first. (Vote on the following agenda item took place first).

Jack Sullivan, owner of Sullivan Engineering Group: I am here to present the Notice of Intent for 5 Merrill Street. I've been in touch with Mr. Lopez and was aware that Mill River would be the consultant for this project. We're fine with that, and I've actually forwarded materials to Mill River probably two weeks ago. I mailed paper copies and e-mailed PDF files to Mill River, as well. We came before you probably a month ago with a conceptual plan showing how we'd like to develop this property for a single family home. It's a little over two acres in land area. The majority of this property falls within the 200 foot outer riparian buffer zone. There was an ORAD established for this property by another applicant, with a sewer project and an ORAD was established and is still in force for this project. The 100 foot inner riparian buffer zone is shown and there is no work proposed within 100 feet of the river. Between the 100 and 200 foot marks is where the majority of the site work is taking place for this project. When we came before you previously, we showed basically the same plan you have in front of you now. We're showing a single family home, accessed by a driveway. We're doing some different wearing surfaces on the driveway to try to be environmentally friendly with a mix of pavement and crushed stone. We're proposing walkways and patios for the site that would be pervious pavers. They are looking to install an in-ground pool that would be a non-backwash pool system with cartridge system, so no back washing. I did do a tally of trees greater than 8 inches in diameter that would be removed within the 100 to 200 foot

buffer zone. There is a total of 44 trees to be removed. I have provided a planting plan showing what can be planted back for this project. We are below a 1:1 ratio, but we will be doing landscape plantings around the house, as well, and on top of the plantings, I'm looking to provide some drainage mitigation. There is probably a good amount of ledge, we're up on a hill. There are some outcrops, so I'm proposing a rain water harvesting system to collect roof runoff, and we'll use that for irrigation purposes for shrubs and grassed areas on site. They're going to have well water for drinking. There will be no town water, and there is presently a sewer service stubbed to the rear lot line. It's a grinder pump system, a forced main system for sewage. We're showing connecting to that for sewer service. The driveway leads out to Merrill Street, which is a MADOT state roadway, so we will have to apply with them for a curb cut permit, but that is outside of any jurisdictional areas, but just so ConCom is aware, we'll also have to get a curb cut from MADOT for this project.

John Lopez: The ORAD (resource delineation) was confirmed and approved based on a BSC delineation.

Suzanne Egan: I don't have it with me, and I'm sure Mill River will do this for us, but it may be helpful to me to know that most of the development here is within the 200 foot outer riparian riverfront area. John, do you have what our regulations say regarding that with what the specifics are? Is that part of the wetlands protection act also?

John Lopez: Our local regulations include / incorporate the rivers act, and the wetlands protection act, yes.

Suzanne Egan: So is this a no-build zone?

John Lopez: The first 100 feet, yes. So there is a 200 foot buffer zone, 0 to 100 feet is a no build, 100 to 200 foot zone is build. There will be no construction within the 100 foot buffer zone.

Suzanne Egan: And that's 11,000 square feet of alteration. What is the lot size?

Jack Sullivan: Lot size is a little over 90,000 square feet, so it is just over two acres. 90 percent of the driveway is outside the 200 feet, and a small portion of the house is outside of the 200 feet, but the vast majority of the project is within the 100 and 200 foot buffer.

Suzanne Egan: I believe that when you were here before, ConCom requested that you reduce the area of construction within that 200 foot setback. I see you still have the pool and the hot tub and the decks and everything. I'm just letting you know that that probably hasn't changed.

Jack Sullivan: Some things that did change is, we did open up more landscaped areas out by the pool. They tried to reduce the size of the patio. I'm sure there'll be some comments on the amount of development within the 100 to 200. We tried to open up more areas, but really it is through mitigation means, like the rain water harvesting system, the tree plantings, things like that. The architect did make an effort to open up some landscaped areas, green space, out in back as well. We tried to situate the house to work with the topography as much as we could. We have a portion of a walk out basement. We're on not steep topography, but it is up on top of a hill. We tried to work with the existing grades to try to limit the amount of site work needed to fit this into the terrain as best we could.

Suzanne Egan: Your analysis says that to locate this outside the riverfront area you need a very small building envelope for a house. What is that small building envelope?

Jack Sullivan: I can provide that. I think it is like 22 feet wide by 36 feet deep.

Suzanne Egan: And what is the footprint size here? 4000?

Jack Sullivan: I could have that information for the next hearing.

John Lopez: If you could, also include that information to Mill River along with some context.

Greg Heath, Director of Facilities for our bridge well property located at 9 Merrill Street, abutter: I haven't gotten to see too much of the driveway. The easement is approved from before? We need a god buffer. That is my only request.

Jack Sullivan: There is a 30 foot driveway easement that runs out to Merrill Street. That is approved and is a recorded plan and was established before. The driveway will be about 16 feet wide and run from Merrill Street to the property. I don't show all the grades through here, but I went out during the survey and spoke to some people over here, and we're willing to put up some sort of buffer like plantings to give them some sort of visual buffer to them. But it's not within your jurisdiction.

John Lopez: I see on your site plan that the driveway is listed as 30 feet wide. That exceeds the fire department requirements, so that is good.

Jack Sullivan: Correction, it is a 30 foot wide easement. The driveway itself will be 14 to 18 feet wide.

John Lopez: This is beyond our jurisdiction, but I encourage you to consult with our fire chief. We have what is called a technical advisory team, and we get together every two weeks. I'm considering bringing this to their attention. I encourage you to contact the Deputy Fire Chief and run this by him. I'm sure he'll want to see this. I believe they require 24 feet for their fire apparatus, and also they'll want to see if there is an area where their apparatus can turn around. It could have an impact in your plans if you have to modify them. Also, do you propose any blasting?

Jack Sullivan: We don't know. There is ledge. They would try to hammer first, then if they did have to blast, they would have to do quick pre-blast surveys of the surrounding properties and coordinate with the fire department on that. We don't know at this stage. But I know from doing the survey work that it looks like there is ledge back there. I don't know if its shale type ledge that would break up with a hammer or if they'll have to blast.

John Lopez: Again, I encourage you to contact the deputy fire chief, Dave Mathers.

Jack Sullivan: That's a good suggestion. They are going to be on well water for drinking, so we want to make sure that, if they ever did need assistance from the Fire Department, that they feel they can get up there. I'm not sure a turn-around would apply, since this is a single family home. But I'll check with them.

John Lopez: If this does go before the technical advisory team or whatever, I'll notify you and you would most likely would have the opportunity to participate in our meeting, to brief the principals on the project and solicit their input.

Jack Sullivan: We'd welcome that.

John Lopez: So I think the motion would be to approve Mill River as the consultant, to have a review done pursuant to the act, the ordinance, and although this project being a single family house is not subject to Mass. Storm Water standards, I think a review of storm water standards, I think a review of the storm water would be appropriate. So we could incorporate that into review.

Suzanne Egan: I don't think we need all that in the motion, it is just a standard review that they should do. I motion to continue this hearing to November 2nd.

APPROVED

Steve Langlois: So we continue this to November 2nd while we wait for information from our consultant.

John Lopez: The way this works is, the consultant will conduct a peer review, draft a report for the commission and forward it to the applicant, and then at that point, to move things along, we have no problems with our consultant and the applicant working on the issue to resolve outstanding issues. Plans will be changed accordingly, and then it will be forwarded back to our consultant to make sure that all recommendations have been incorporated. Then it will appear back before the ConCom. The consultant will perform a site walk prior to the next meeting.

Motion was seconded by Alan Corey. Vote was all in favor.

**MILL RIVER CONSULTING – LETTER OF ENGAGEMENT FOR NOI
(002-1132) - 6 MERRILL STREET - (LALLY)**

Motion was made by Suzanne Egan prior to ConCom opening the NOI hearing above to approve the Mill River Consulting contract. Motion was seconded by Alan Corey. AIF.

**MOTION TO ADJOURN WAS MADE BY Suzanne Egan.
Motion was seconded by Alan Corey.**

Meeting was adjourned at 8:35 P.M.